

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 12, 2009 (hereinafter Office Action), have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, the independent claims have been amended to characterize that the first and second synchronization steps are performed between mobile communication devices. Support for these changes may be found in the original specification, for example, in Fig. 2b; and in paragraphs [0003], [0015], and [0041]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

None of the asserted references has been shown to teach or suggest a first synchronization step for synchronizing user data and a second synchronization step for synchronizing binding data between first and second mobile communication devices. For example, Littleton teaches synchronizing service features between a PDA and a server, and Suonpera teaches transferring personalized information between a hand portable phone and a computer. Contrary to the assertion at page four of the Office Action, cited paragraph three of Suonpera does not teach that data is transferred directly from phone to phone because an intermediate computer is involved in the transfer. As Feague has not been asserted as teaching, or shown to teach, such limitations, none of the asserted references in the primary combination teaches or suggests at least these limitations. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent claims 3-7, 22, 24-26, 28-31, 33-36, 38, 40-43, and 45 depend from independent claims 1, 18, 23, 32, and 39, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed teachings of Littleton, Suonpera, and Feague. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive

material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 3-7, 22, 24-26, 28-31, 33-36, 38, 40-43, and 45 are also patentable over the asserted teachings of Littleton, Suonpera, and Feague.

With respect to the § 103(a) rejection of dependent claims 8, 27, 37, and 44 based upon the teachings of Littleton, Suonpera, and Feague combined with those of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter “Hepper”), Applicant traverses as the asserted references alone, or in combination, do not teach each of the now-claimed limitations. As discussed above, the modifications to Littleton fail to at least teach performing first and second synchronization steps between mobile communication devices, as claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Therefore, the rejection would be improper, and Applicant requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

In addition, new claims 46 and 47 have been added. The subject matter of these claims was already present in at least claims 1 and 9; therefore the claims do not introduce new matter. These claims are believed to be patentable over the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8500 Normandale Lake Blvd., Suite 320  
Minneapolis, MN 55437  
952.854.2700

Date: November 12, 2009

By: /Erin M. Nichols/

Erin M. Nichols  
Reg. No. 57,125